

Issued January 10, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2649.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 300 Sacks Bran. Product released on bond.

ADULTERATION AND MISBRANDING OF BRAN.

On April 9, 1913, the United States Attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 sacks, each containing 100 pounds of bran, remaining unsold in the original unbroken packages and in possession of the Champaign Seed Co., Champaign, Ill.; alleging that the product had been transported in interstate commerce from the State of Missouri into the State of Illinois on or about March 11, 1913, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "100 Lbs. Pure Wheat Bran."

Adulteration of the product was alleged in the libel for the reason that it was not pure wheat bran, but contained 9.96 per cent of foreign matter, of which at least 9 per cent consisted of added screenings, which screenings had been mixed and packed with and were made a substitute for wheat bran so as to reduce and injuriously affect the strength of the product. Misbranding was alleged for the reason that the labels on the sacks, to wit, "100 Lbs. Pure Wheat Bran," would deceive and mislead the purchaser thereof into the belief that the sacks contained pure wheat bran, whereas, in truth and in fact, they contained a mixture of pure wheat bran with other substances as aforesaid, and said labels on the sacks were false and misleading.

On May 9, 1913, John Kelley, sr., Arthur Kelley, and John Kelley, jr., copartners, doing business as Kelley Milling Co., Kansas City, Mo., claimants, having executed bond in the sum of \$300 in conformity with section 10 of the Act and having agreed to pay all of the costs of the action, it was ordered by the court that the product should be released to said claimants.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 26, 1913.*